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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,359	03/12/2004	Yoshikazu Takamatsu	Q80302	5625

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EXAMINER
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HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 10/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,359	<b>Applicant(s)</b> TAKAMATSU ET AL.	
	<b>Examiner</b> James M. Hewitt	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 4/11/06 & 7/21/06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) 1-9 and 14 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-13, 15 and 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/790,716.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Election/Restrictions***

Applicant's election of Species X (Figures 16 & 17) in the reply filed on 10/19/05 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 1-9 and 14 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 10/19/05.

### ***Claim Objections***

Claims 10-13, 15 and 26-30 are objected to because of the following informalities:

Claim 10 recites "A joint *for* a duplex pipe including...", thus inferring that the duplex pipe is not being claimed. The body of claim 10 recites "the main body disposed at an end portion of the outer pipe to cover the exposed portion of the inner pipe" and "wherein the exposed portion of the inner pipe crosses the passage", thus inferring that the duplex pipe is being claimed as part of the invention. It is thus unclear as to whether the duplex pipe is being claimed in combination with the joint. Note also claim 26.

For examination purposes, the duplex pipe is considered not to be claimed in combination with the joint.

Claim 11 recites "A joint *for* a duplex pipe including...", thus inferring that the duplex pipe is not being claimed. The body of claim 11 recites "a first connecting portion connecting an end of the outer pipe with the first passage" and "a second connecting portion connecting an end of the inner pipe with the second passage", thus inferring that the duplex pipe is being claimed as part of the invention. It is thus unclear as to whether the duplex pipe is being claimed in combination with the joint. Note also claims 27 and 29.

For examination purposes, the duplex pipe is considered not to be claimed in combination with the joint.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 10, 26 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Basham (US 3,980,112).

With particular reference to FIGS. 8-10, Basham discloses a joint comprising: a main body (70A) formed in a block shape, the main body forming a first opening

Art Unit: 3679

(opening receiving coupling 103A) and first passage (defined by threaded opening into which coupling 40A is threaded and counterbore 74A) and a second opening (opening receiving coupling 93A) and a second passage (leading from the threaded opening into which coupling 40A is threaded to coupling 93A), wherein the first and second openings are defined in one and the same side surface of the main body independently from each other.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 15, 27 and 29-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basham (US 3,980,112) in view of O'Laughlin (US 1,986,010).

With particular reference to FIGS. 8-10, Basham discloses a joint comprising: a main body (70A) formed in a block shape, the main body forming a first opening (opening receiving coupling 103A) and first passage (defined by threaded opening into which coupling 40A is threaded and counterbore 74A) and a second opening (opening receiving coupling 93A) and a second passage (leading from the threaded opening into which coupling 40A is threaded to coupling 93A); first and second connecting portions, the second connecting portion defining a concave portion (shoulder adjacent end of lead line for 74A in FIG. 9); a stopper (shoulder adjacent end of lead line for 76A in FIG.

9). Basham fails to teach a brazing material brazed in the concave portion. O'Laughlin teaches a joint wherein a soldering or brazing ring is disposed an interior shoulder of the fitting that acts as a stop for an inserted pipe, the ring acting to secure the end of the inserted pipe upon application of heat. In view of O'Laughlin's teaching, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide a soldering/brazing ring at the stopper portion of Basham as an alternate means to reliably secure the inner pipe (50A) to the fitting.

With respect to claim 12, wherein the concave portion has a tapered cross-section. The concave portion is considered to include that tapered/curved section of body (70A) that is adjacent left of numerals '74A' and '106A'.

With respect to claim 13, the method of forming the device is not germane to the issue of patentability of the device itself. Therefore, this limitation has not been given patentable weight.

With respect to claim 15, wherein the main body comprising: a first wall defining a blind hole in the first passage; and the first connecting portion is formed at a release end of the blind hole. Refer to the figures.

With respect to claim 29, wherein the concave portion opens toward the first passage.

With respect to claim 30, wherein the first and second openings are defined in one and the same side surface of the main body independently from each other.

***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

Art Unit: 3679

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
9/27/06

  
JAMES M. HEWITT  
PRIMARY EXAMINER